

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BRAUN GmbH,

Plaintiff,

v.

RAYOVAC CORPORATION,

Defendant.

Civil Action No. 03-CV-12428-WGY

PLAINTIFF'S MOTION TO FILE CERTAIN DOCUMENTS UNDER SEAL

Pursuant to Local Rule 7.2 and Paragraph 10 of the Protective Order entered by the Court on November 2, 2004 (the "Protective Order"), Plaintiff Braun GmbH ("Braun") respectfully move the Court for leave to file under seal certain exhibits to Braun's Motion For Partial Summary Judgment Of Infringement, Motion For Partial Summary Judgment To Correct Inventorship, and Motion For Partial Summary Judgment On Invalidity, all filed concurrently with this motion.

In support of this motion, Braun states as follows:

1. Under the terms of the Protective Order, Paragraph 10, the parties agreed that any Court filings designated as "Confidential" or "Attorneys' Eyes Only" shall be filed under seal until further order of the Court.
2. The depositions of James Chasen, Yuri Avila, James Doyle, and Alan Schoepp, as well as the Second Expert Report of Samuel R. Phillips – Exhibits F, G, H, I and L of

Braun's Motion For Partial Summary Judgment Of Infringement, respectively – have been designated by the parties as being subject to the Protective Order. The deposition of James Doyle is also Exhibit M and the deposition of Alan Schoepp is Exhibit R, to Braun's Motion For Partial Summary Judgment On Invalidity.

3. The July 14, 2004, and the April 26 and April 27, 2005 depositions of Gebhard Braun, the July 21, 2004, and the April 28, 2005 depositions of Dietrich Paul, and the July 8, 2004 deposition of Wolfgang Vorbeck, as well as the First Expert Report of Samuel R. Phillips – together, Exhibits Two through Seven, and Exhibit 9 of Braun's Motion For Partial Summary Judgment To Correct Inventorship – have been designated by the parties as being subject to the Protective Order. The April 26 and April 27, 2005 depositions of Mr. Braun, and the April 28, 2005 deposition of Dr. Pahl also comprise Exhibits N through P of Braun's Motion For Partial Summary Judgment On Invalidity.

4. The August 10, 2005 deposition of Wolfgang Vorbeck, and the depositions of Juergen Hoeser and Norman Smetana, as well as the First and Third Expert Reports of Samuel R. Phillips – Exhibits Q, S through U, and W and X, of Braun's Motion For Partial Summary Judgment On Invalidity, respectively – have been designated by the parties as being subject to the Protective Order.

5. Braun has separately filed in a manner that will be available to the public a redacted version of the Second Expert Report of Samuel R. Phillips with its Motion For Partial Summary Judgment On Infringement.

6. Braun has filed all non-confidential exhibits in a manner that will be available to the public.

7. Braun will provide the Court and opposing counsel complete, unredacted sets of all exhibits submitted with its Motions.

8. Rayovac Corporation does not object to this motion.

Wherefore, Braun respectfully request that the Court grant it leave to file the the following exhibits under seal:

Braun's Motion For Partial Summary Judgment Of Infringement: Exhibits F, G, H, I and L.

Braun's Motion For Partial Summary Judgment On Invalidity: Exhibits M, N, O, P, Q, R, S, T, U, W and X.

Braun's Motion For Partial Summary Judgment To Correct Inventorship:
Exhibits 2, 3, 4, 5, 6, 7 and 9.

Braun GmbH

By its attorneys,

/s/ Dalila Arguez Wendlandt
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August 22, 2005

Certificate of Compliance with LR 7.1

I, Dalila Arguez Wendlandt, certify that I conferred with counsel for Rayovac Corporation in a good faith effort to resolve the disputes addressed herein, and Rayovac does not object to this motion.